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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Katsutoshi TAJIRI et al.

Appl. No: 09/939,730  
Patent No.: 7,023,805

Confirmation No: 2698

Filed: August 28, 2001  
Issued: April 4, 2006

For: COMMUNICATION CONNECTING  
DEVICE CAPABLE OF RELIABLY  
TRANSMITTING DATA TO AN IP  
NETWORK AND A DATA  
TRANSMISSION CONTROL  
METHOD

Art Unit: 2663

Examiner: NGO, Nguyen Hoang

Atty. Docket No: 31762-174923

Customer No:

**26694  
PATENT TRADEMARK OFFICE**

**Request for Recalculation of Patent Term Adjustment under 35 U.S.C. § 1.705(d)**

Commissioner for Patents  
Mail Stop Petitions  
P.O. Box 1450  
Arlington, VA 22313-1450

Sir:

This Request for Recalculation of the Patent Term Adjustment (PTA) is being submitted in accordance with 37 C.F.R. § 1.705(d). The above-identified patent issued on April 4, 2006, indicating that the PTA is 851 days. The Applicant disagrees with this determination and believes the correct determination should be 894 days.

Please charge our deposit account number 22-0261 for the \$200 petition fee. It is not believed that any further fees are due, but in the event that such fees are necessary, the Office is authorized to charge our deposit account number 22-0261.

105113/2006 MPEXENE2 00000073 220261 09939730  
01 FC:1455 200.00 DA

***Procedural History***

To assist the Commissioner in understanding the procedural history, a copy of Office's PTA History for this case as obtained from the Office's Patent Application Information Retrieval (PAIR) system is attached.

Applicants filed an Amendment on July 6, 2005, the Remarks section including a request for acknowledgement of the Information Disclosure Statement filed August 2001. In response to the Amendment, Applicants received a Notice of Allowance mailed September 16, 2005, but the Notice of Allowance did not include acknowledgement of the Information Disclosure Statement. Therefore, Applicants filed a formal Request for Acknowledgment on December 1, 2005, along with payment of the Issue Fee. A copy of this Request is attached.

The Patent Term Adjustment History for the present case indicates that Applicants were charged a 43-day delay for an Information Disclosure Statement submitted on December 1, 2005. Applicants respectfully submit this is Office error. No Information Disclosure Statement was filed on December 1, 2005; in fact, Applicants' filed a Request for Acknowledgment of an Information Disclosure Statement. The Office is directed to the electronic file wrapper, which evidences that the December 1, 2005 filing entitled "Information Disclosure Statement" is indeed a Request for Acknowledgment. The imaged Request for Acknowledgement includes the Office's date-stamped receipt.

Applicants further submit that the December 1, 2005 filing cannot be considered a failure to engage in reasonable efforts to advance prosecution. Applicants initially requested acknowledgment of the Information Disclosure Statement in the Amendment filed on July 6, 2005, prior to the Notice of Allowance. The failure of the Examiner to make this

Applicants: Katsutoshi TAJIRI et al.  
Attorney's Doc. No.: 31762-174923

acknowledgment necessitated the Request filed on December 1, 2005.

***Summary***

Applicants respectfully submits that the reduction of PTA is due to an error in calculation by the Office. The Office erroneously deducted 43 days from the patent term. Applicants submit that they are entitled to a restoration of these 43 days, for a total patent term of 894 days. Thus, recalculation and correction of the PTA are respectfully requested.

Respectfully submitted,

Date: May 10, 2006

Kavita B. Lepping  
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Kavita B. Lepping  
Registration No. 54,262  
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MAS:KBL 749973

Printer Friendly  
09/939,730



COMMUNICATION DEVICE CONNECTING DEVICE CAPABLE OF RELIABLY TRANSMITTING DATA TO AN IP NETWORK AND A DATA TRANSMISSION CONTROL METHOD

### Patent Term Adjustment History

Patent Term Adjustment (PTA) for Application Number: 09/939,730		
		Days
Filing or 371(c) Date:	08-28-2001	USPTO Delay (PTO): 894
Issue Date of Patent:	04-04-2006	Three Years: -
Pre-Issue Petitions (days):	+0	Applicant Delay(APPL): 43
Post-Issue Petitions (days):	+0	Total PTA: 851
USPTO Adjustment(days):	+0	Explanation Of Calculations

  

Patent Term Adjustment History			
Date	Contents Description	PTO(Days)	APPL (Days)
04-04-2006	Patent Issue Date Used in PTA Calculation	3	
03-15-2006	PTA 36 Months	↑	
03-03-2006	Dispatch to FDC	↑	
02-07-2006	Workflow - Query Request - Finish	↑	
01-12-2006	Mail Examiner's Amendment	↑	
01-09-2006	Examiner's Amendment Communication	↑	
01-03-2006	Pubs Case Remand to TC	↑	
12-29-2005	Workflow - Query Request - Begin	↑	
12-07-2005	Application Is Considered Ready for Issue	↑	
12-01-2005	Information Disclosure Statement considered	↑	
12-01-2005	Information Disclosure Statement (IDS) Filed	↑	43
12-01-2005	Issue Fee Payment Verified	↑	
12-01-2005	Issue Fee Payment Received	↑	
09-16-2005	Mail Notice of Allowance	↑	
09-16-2005	Mail Examiner's Amendment	↑	
09-15-2005	Notice of Allowance Data Verification Completed	↑	
09-15-2005	Case Docketed to Examiner in GAU	↑	
09-15-2005	Examiner's Amendment Communication	↑	
07-12-2005	Date Forwarded to Examiner	↑	
07-06-2005	Response after Non-Final Action	↑	
04-06-2005	Mail Non-Final Rejection	891	
04-04-2005	Non-Final Rejection	↑	
03-09-2005	Case Docketed to Examiner in GAU	↑	
01-26-2005	Case Docketed to Examiner in GAU	↑	
01-25-2005	Case Docketed to Examiner in GAU	↑	
09-13-2004	IFW TSS Processing by Tech Center Complete	↑	
01-06-2004	Information Disclosure Statement (IDS) Filed	↑	
03-11-2002	Case Docketed to Examiner in GAU	↑	

This is a request for acknowledgement, NOT an IDS.

12-14-2001	Case Docketed to Examiner in GAU		
11-28-2001	Application Dispatched from OIPE	↑	
11-27-2001	Application Is Now Complete	↑	
11-13-2001	Oath or Declaration Filed (Including Supplemental)	↑	
09-28-2001	Notice Mailed--Application Incomplete-- Filing Date Assigned	↑	
09-28-2001	Correspondence Address Change	↑	
09-27-2001	Correspondence Address Change	↑	
09-05-2001	IFW Scan & PACR Auto Security Review	↑	
08-28-2001	Information Disclosure Statement (IDS) Filed	↑	
08-28-2001	Request for Foreign Priority (Priority Papers May Be Included)	↑	
08-28-2001	Initial Exam Team nn	↑	

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Art Unit: 2663

Examiner: NGO, Nguyen Hoang

Atty. Docket No: 31762-174923

Customer No:

**26694**  
PATENT TRADEMARK OFFICE

**Request for Acknowledgment**

Commissioner for Patents  
Mail Stop Issue Fee  
P.O. Box 1450  
Alexandria, Va. 22313-1450

Sir:

In response to the Notice of Allowance mailed September 16, 2005, Applicants respectfully request acknowledgment of the Information Disclosure Statement filed August 28, 2001.

Acknowledgment was initially requested in the Amendment filed July 6, 2005, but has not yet been received.

This paper is being concurrently filed with the Issue Fee Payment.

Respectfully submitted,

Date: December 1, 2005

*Kavita B. Lepping*  
Michael A. Sartori, Ph.D.  
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#703232



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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2006

 Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ **200**)

<b>Complete if Known</b>	
Application Number	09/939,730
Filing Date	August 28, 2001
First Named Inventor	Katsutoshi TAJIRI
Examiner Name	Nguyen Hoang Ngo
Art Unit	2663
Attorney Docket No.	31762-174923

**METHOD OF PAYMENT** (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_  
 Deposit Account Deposit Account Number: 22-0261 Deposit Account Name: Venable LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

<input type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

**FEE CALCULATION** (All the fees below are due upon filing or may be subject to a surcharge.)**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		<u>Fees Paid (\$)</u>
	<u>Fee (\$)</u>	<u>Small Entity Fee (\$)</u>	<u>Fee (\$)</u>	<u>Small Entity Fee (\$)</u>	<u>Fee (\$)</u>	<u>Small Entity Fee (\$)</u>	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)	<u>Fee (\$)</u>	<u>Small Entity Fee (\$)</u>
	50	25
Each independent claim over 3 (including Reissues)	200	100

Multiple dependent claims

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>	
				<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 20 or HP	-	x =			

HP = highest number of total claims paid for, if greater than 20.

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 3 or HP	-	x =			

HP = highest number of total claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 100 =	/50	(round up to a whole number) x	=	

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Request for Recalculation of PTA \$200

**SUBMITTED BY**

Signature	<u>Kavita B. Lepping</u>	Registration No. (Attorney/Agent)	54,262	Telephone	(202) 344-4000
Name (Print/Type)	Kavita B. Lepping		Date	May 10, 2006	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete the form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.